

REMARKS

The present amendment is submitted in an earnest effort to advance this case to issue without delay.

1. Applicant appreciates the acknowledgment of the priority claim and receipt of the priority documents in paragraph 13 of PTOL-326.

2. There is an objection to the drawing in the case and to satisfy the requirements for a proposed drawing change, there are submitted copies of the drawing FIGS. 1 and 3 with red changes along with a letter to the Official Draftsman requesting approval of them. The drawing changes in FIG. 1 show the guard at a position preventing access and in a position permitting access to the apparatus and a bearing forming the pivot axis and other features required by the Examiner. A more detailed discussion of these features is provided below and should be considered in combination with the change made to the specification.

Claims 13 and 14.

The rejection of claims 13 and 14 is overcome by the amendment to the drawing which, of course, is based on original claims and the test is derived from the original claims 13 and 14.

The rejection of claims 13 and 14 under 35 USC 112, second paragraph, should be withdrawn.

Claims 17 to 20 and 24 to 28

The Examiner's reason for rejecting these claims is met by amending claim 17 to depend from claim 15, rather than from claim 1. Claim 15 describes the "first latching arrangement", and thus provides an antecedent basis for the term 'second latching arrangement" in claim 17.

Claim 31

In Figure 1, a line drawn between the entry end of the central supply lane in the right-hand column and the entry end of the supply lane in the column immediately to the left of the central load-handling apparatus L clearly shows that the lowermost pallet in the stack of pallets in the pallet handling cradle of the column immediately to the right of the load-handling device L is at the same level as the entry ends of the supply lanes. This is the feature to which claim 31 refers, and contrary to the examiner's assertion Figure 1 clearly shows the lowermost pallet of the stack being positioned at the same level as the entry end of the supply lane.

A careful review of claim 31 fails to reveal any grammatical errors alleged to be present by the examiner.

With the amendments to the specification and the claims herein and the proposed drawing correction, all informalities have been removed and the claims should be allowable.

3. Pursuant to the requirement for restriction, Applicant formally elects claims 1 to 37 and has cancelled claims 38 to 41 without prejudice to Applicants right to claim the same or similar subject matter in a divisional application filed at a later date.

4. There is enclosed, for the Examiners information, a copy of the Examination report received by Applicant 12 November 2003 in the corresponding UK application. Note that the references cited therein included the Stobb reference which is the reference most heavily relied upon. Copies of the Resler reference and the Rengo et al reference are supplied together with a PTO-1449 form formally making the same of record.

CERTIFICATION

The undersigned hereby certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application in more than three months prior to the filing of the IDS.

With respect to the Examiner's rejection of the claims on Stobb and secondary art, the following should be noted:

The examiner cites US Patent 2,096,598 to Clerc and US Patent 4,019,639 to Stobb as basis for rejecting the claims to the pallet handling apparatus and to the live pallet storage system.

US Patent 2,096,598 was published in 1937, and describes a system of pelletized load handling in which loads are manually placed on pallets (skids 28) which are then supported on conveyors for moving the loads between storage locations and delivery vehicles. The Clerc arrangement includes pallet return lanes along which empty pallets run under gravity. However, there is no disclosure or suggestion in the Clerc document that empty pallets should be collected into groups or stacks. In the Clerc arrangement, empty pallets simply return singly to a convenient location from which they can be manhandled into a loading station.

No mechanical handling of empty pallets is described in Clerc.

US Patent 4,019,639 to Stobb describes a device for forming a pelletized load by arranging a pallet in a vertical plane, placing next to the pallet a row of objects which will form the pallet's load, and then rotating the pallet and the objects through approximately ninety degrees to bring the pallet: into a horizontal orientation with the load on top of the pallet.

The Examiner's contention that it would have been obvious to use the palletiser of Stobb in the load handling system of Clerc is clearly against the teaching of Clerc, which does not require any grouping of empty pallets to take place. Clerc relies on the pallets being delivered singly and serially by the pallet return lane, to simplify reloading of the pallets. Since there is no teaching in Clerc of forming the pallets into a group or stack, then there is no need of the apparatus of Stobb in the system

described by Clerc. Thus, the Examiner's combination of Stobb and Clerc is erroneous.

Furthermore, if it is obvious to combine the teaching of Clerc and Stobb, one would have expected the combination to have been used before now. Clerc has been open to public inspection since 1937, and Stobb since 1977. Thus, the two documents have been concurrently available for twenty three years prior to the filing of the present application. If the combination of Stobb and Clerc it would have been done much sooner after the publication of Stobb.

Regarding claims 32 and 33 of the present case, the examiner's assertion that the ramps (53) of Clerc are somehow equivalent to the ramps (30) in the present case is incorrect. In Clerc, the "ramp" (53) is in fact an inclined return lane, down which empty pallets travel in series. In the present case, the ramps (30) are to assist the operator in lifting the lower edge of the pallet into the pallet-orienting cradle.

The examiner objects to claims 5, 7, 8, 10 and 11 as being unpatentable in view of the combination of Clerk and Stobb, taken in view of Dykstra. Firstly, the skilled man would in no way be lead by Clerc to combine the teaching of Clerc and Stobb since Clerc neither teaches nor suggests grouping of empty pallets and the arrangement illustrated in Clerc relies on empty pallets being returned singly and serially down the return lanes (53).

US Patent 6,050,771 to Dykstra shows a pallet feeding arrangement for providing pallets serially to a conveyor belt from a stack of pallets. Dykstra describes an "L" shaped pallet:.. stack holder which is mounted to slide along a support member (30). The stack of pallets is placed in the stack holder with the support member (30) vertical, and the support member (30) is then rotated to a substantially horizontal position, converting the stack of pallets into a row of pallets, each pallet standing on edge. The stack holder is then moved along the now-horizontal support element 30 to advance the row of pallets towards a conveyor belt, the pallets being removed serially from the end of the row and transported away by the conveyor.

Dykstra thus discloses two separate motions of the pallet stack holder, namely the rotation of the stack holder to convert the stack of pallets into a row, and the subsequent linear movement of the stack holder to feed pallets sequentially to the conveyor. Claim 5 of the present case is intended to cover a structure wherein movement of the pallet receiving means from the pallet-receiving position to the pallet-delivery position involves simultaneous rotation and translation of the pallet-receiving means, such as would be the case with the linkage arrangement shown in Figure 6 of the drawings. No such movement is contemplated by Dykstra which describes sequential movements of rotation and then translation.

Claims 15 and 16

These claims are rejected as unpatentable over the combination of Clerc and Stobb, in view of US Patent 1,977,497 to Springer. Again, the combination of Clerc and Stobb is unwarranted, since Clerc does not provide for any mechanical handling of groups of pallets, and does not form pallets into stacks but relies on sequential and individual return of pallets to loading stations. US Patent 1,977,497 to Springer describes an arrangement for tilting a stack of objects to form a row and then sequentially delivering objects from an end of the row. Springer describes a latch (22) which fixes one end of a pivoting support member (6) selectively relative to a frame.

The combination of Clerc, Stobb and Springer does not anticipate claim 15 and 16 because the skilled man would not combine Clerc and Stobb, as hitherto explained. Springer adds only the disclosure of latching means, in an apparatus similar to that proposed by Stobb. However, the skilled man in possession of the teachings of Clerc, Stobb and Springer would not be drawn to apply the teachings of Stobb and Springer to Clerc, since Clerc relies on individual and sequential return of skids to the loading stations, and does not suggest or teach the forming of skids into a stack.

Claim 23

This claim is rejected as unpatentable over Clerk and Stobb in view of Ferrisi. Ferrisi describes a friction damper, used in a lift mechanism to damp rotation in a shaft. The combination of Clerc, Stobb and Ferrisi is irrelevant for the same reasons as the

combination of Clerc, Stobb and Springer, the only additional teaching being made by Ferrisi is that friction damping is applicable to rotatable shafts.

Claim 34

This claim, and its corresponding description in the paragraph bridging pages 27 and 28 of the specification, relates only to a particular embodiment of the ramp in which the ramp surface is the upper run of a belt, rather than a fixed surface. Contrary to the assertion of the examiner, the belt is not driven to "move the pallets up the incline", but is simply freely rotatable in order to minimize friction between the pallet and the ramp.

Claim 35

The Examiner rejects claim 35 in view of the combination of Clerc, Stobb and US Patent 4,084,713 to Rhors. Rhors describes a loading ramp for a vehicle, in which a first section of the ramp is pivotally attached to the vehicle and a second section of the ramp is pivotally attached to the free end of the first section. Latching means (42, 44) are provided between the first section of the ramp and the vehicle to hold the ramp in its stowed position, and further latching means (38, 40) holds the second ramp portion relative to the first ramp portion, when the ramp is stowed.

The teaching of Rhors is that a ramp intended for moving a load from one level to another may be pivotally mounted to the load-receiving area. The subject-matter of claim 35 is that the ramps (30) in the present invention may be fixed to the cradle, so as to move with the cradle. This is clearly different from the arrangement of Rhors, in which the ramp is movable relative to the load-receiving area. Even combining this teaching with the teachings of Clerc and Stobb, there is no suggestion or teaching of a pallet return system in which pallets are grouped and oriented in a pallet-receiving cradle with ramp elements fixed to the cradle.

The claims in the case are thus deemed to be allowable and an early notice to that effect is earnestly solicited.

Respectfully submitted,
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